

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of  
  
David Tarleton  
  
Respondent

Civil Citation No. 75955  
  
1725 Church Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, failure to remove trash junk and debris from the porch, side and rear yard on residential property known as 1725 Church Road, 21222.

On July 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$17,200.00 (seventeen thousand two hundred dollars).

The following persons appeared for the Hearing and testified: David Tarleton, Respondent and, Jerry Chen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 20, 2010 for removal of trash and debris, remove trash and junk from front porch and side and rear yards, obtain building permit for new fence. This Citation was issued on July 19, 2010.

B. Inspector Jerry Chen testified that initial inspections found quantities of junk and debris in the yard and on the porch. Time was extended prior to enforcement. Re-inspection the day before this Hearing found the porch cleaned up, a large shed added in the yard, and some cleanup in the yard. Progress is being made but some junk remains.

C. Photographs in the file show numerous items piled or stacked in the yard, including vehicle wheels, rails from a wood fence, buckets and metal tubs, and a large area enclosed by a temporary tent. Inspector Chen testified that the tent storage has been in place for several years.

D. Respondent David Tarleton testified that he has been cleaning up the property. He purchased the property in 2006. It was an old parsonage that had been vacant for 25 years and he has been renovating it. He plans to build a garage which will give him more storage. He testified that he will properly stack building materials and finish cleaning up the yard.

E. The testimony and photographs presented show that prior to recent clean up efforts, there were significant quantities of junk, trash and debris in the yard and outdoor porch of this property. This violates prohibitions against the accumulation of junk, trash and debris on private property. BCC Section 13-4-201. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on this property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...") County law prohibits the accumulation of bricks or other materials that is conducive to rat harborage, and requires such materials to be evenly piled or stacked on open racks that are elevated at least 18 inches above the ground. BCC Section 13-7-312.

F. The evidence also shows that Respondent has made significant progress in correcting the violations. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the remaining violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by October 15, 2010, with all junk, trash and debris removed from outdoor storage on the property; and all building materials properly stacked.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.